

CWP No.9540 of 2018

[1]

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.9540 of 2018
Date of decision: April 20, 2018**

M/s Sodhi Auto Workshop

...Petitioner

Versus

State of Punjab and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Ish Puneet Singh, Advocate,
for the petitioner.

Rakesh Kumar Jain, J. (Oral)

This petition is filed for seeking a writ in the nature of *certiorari* for quashing the impugned order dated 27.03.2018 passed by the Jalandhar Development Authority, Jalandhar, by which permission granted to the petitioner to operate its unit for the next 10 years in terms of Section 79 of the Punjab Regional Town Planning Development Act, 2006 (hereinafter referred to as the "Act") has been withdrawn on the ground that the area, in which the petitioner's unit is situated, falls within the jurisdiction of Municipal Corporation, Phagwara.

Counsel for the petitioner has submitted that the license granted to the petitioner for doing the work of denting-painting in the premises in question was cancelled by the Municipal Corporation, Phagwara on 25.01.2017 while exercising its powers under Section 342 of the Punjab Municipal Corporation Act, 1976. The petitioner filed a suit for declaration to challenge the order dated 25.01.2017, which is still pending. During the

pendency of the said suit, the petitioner applied under Section 79 of the Act to the Jalandhar Development Authority, Jalandhar, to operate its unit at the present site and permission in this regard was granted to it on 10.01.2018. In the meantime, one Harpreet Singh filed a petition before the Sub Divisional Magistrate, Phagwara under Section 133 Cr.P.C., which has been allowed on 03.08.2017, against which the petitioner has filed revision before the Sessions Judge, Kapurthala. In any case, the permission granted by the Jalandhar Development Authority was withdrawn on 27.03.2018 on the ground that the area falls within the jurisdiction of Municipal Corporation, Phagwara.

After hearing learned counsel for the petitioner and taking into consideration the facts and circumstances narrated here-in-above, I am of the considered opinion that the remedy lies with the petitioner to file a civil suit, which is otherwise not barred under the provisions of the Act, to challenge the impugned order.

Faced with this situation, counsel for the petitioner prays for withdrawal of the present petition in order to avail its remedy by filing the civil suit for declaration and injunction before the Civil Court.

Dismissed as withdrawn.

Liberty is granted.

April 20, 2018
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned	:	Yes/No
Whether reportable	:	Yes/No